



November 6, 2002

2005 Standards
C/O Bryan Alcorn and Bill Pennington
California Energy Commission
1516 Ninth Street, MS25
Sacramento, CA 95814

Reference: 2005 Building Energy Efficiency Standards

Dear Mr. Alcorn and Mr. Pennington,

This letter is a follow-up to our discussions last week and yesterday's workshop regarding sections of the 2005 Building Energy Efficiency Standards as they relate to relocatable classrooms (RC). I appreciate the time that both of you took to process our concerns. Further, I appreciate your public statement that these standards will not apply to existing buildings. Nonetheless we feel it is very important for the commission to be in tune with the fine nuances of how RC's are understood and treated throughout the state. *

It is easy to treat RC's in the same manner as conventional buildings. Certainly in California that is very logical, as for the most part, RC's are built to meet the same code requirements as conventional structures. However, the approval process has certain nuances that must be understood or commerce in our industry can be seriously hindered. Specifically, the approval of pre-existing RC's as they are relocated from one site to the next. Currently, most agencies, cities, counties etc. understand that: *a building built last year (built under the previous code) but being relocated next year (new code in effect) does not have to be refurbished to meet the new code.*

Having stated the above, we are concerned about the current language in the 2005 Building Energy Efficiency Standards. Under section 143 article 8 the term "cannot lawfully be used" is stated twice. While this language makes sense, without clarifying language, it is likely to create confusion for agencies, cities and counties when an existing building is relocated as described in italics above.

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Our suggested solution is to alter the definition of a RC from the current language of: "any classroom contained in a relocatable building as defined by title 24"; to "any classroom contained in a relocatable building manufactured or altered after (implementation date) as defined by title 24".

We have an additional related concern. The definition of "alteration" that is used by the CEC differs from that used by the DSA (reference Title 24 part 1 article 2, 4-314), which would very likely cause confusion in the industry. DSA's defines alterations as a "relocation or moving of an existing certified school building" whereas the CEC defines it as "any change to a building's envelope. I hope you can understand the potential confusion. As buildings are relocated it would be a considerable and unwarranted expense if a perceived requirement triggered a refurbishment. A clarification under the CEC's definition that alteration does not mean relocating a RC, would certainly prevent any confusion and subsequent cost.

*Many private schools, daycare centers and other state agencies request buildings built to DSA standards. These buildings are new and used, leased and sold. New buildings will obviously meet the current code. Used buildings under lease and sale transactions will need to be treated as existing buildings by cities, counties and other state agencies.

Thank you again for your consideration of our concerns. Please let me know if there is anything further the industry or I need to do to assist you in resolving these matters.

Sincerely,

Scott Alexander
Director of Governmental and Regulatory Affairs